

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND  
FRANCHISES

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April 23, 2014  
Start: 11:42 a.m.  
Recess: 2:10 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E: Mark S. Weprin  
Chairperson

COUNCIL MEMBERS:

Daniel Garodnick  
Jumaane Williams  
Donovan Richards  
Antonio Reynoso  
Ritchie J. Torres  
Vincent M. Ignizio  
Vincent J. Gentile  
Ruben Wills

## A P P E A R A N C E S (CONTINUED)

Allie Colvin  
7A Café

Marig Schwade  
Mama Bar

Susan Stetzer  
Community Board Three

Kareem Rogers

Frank Sinabria

Mark Glazer  
Community Board

Eric Pulatnik

R. Randy Lee

Daniel Egers  
Firm of Greenberg Traurig LLC

Mark Tessier-Lavigne

Jay Bargmann  
Rafael Vinoly Architects

Robert Cook  
Anderson Kill

Stephen Rosen  
AKRF Inc.

## A P P E A R A N C E S (CONTINUED)

George Rycar  
Kissling Realty Advisors

Sabrina Kanner  
Senior Vice President for Design and Construction  
Brookfield Properties

Keith O'Connor  
James Cornerfield Operations

Ken Lowenstien

Jean-Daniel Noland  
Chair of Hells Kitchen Land Use and Zoning  
Committee of Manhattan Community Board Four

Erica Babtiste  
Community Board Four

Joe Restuccia  
Co-Chair of Community Board Four

Paul Fernandez  
Building and Construction Trades Council of  
Greater New York

Aditi Sen  
Local 32BJ

Michael Slattery  
Real Estate Board of New York

Dan Pisark  
Vice President of Retail Services for 34<sup>th</sup> Street  
Partnership

Andrew Hollweck  
New York Building Congress

A P P E A R A N C E S (CONTINUED)

Jessica Walker  
Partnership for New York City

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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON WEPRIN: Okay, ladies and gentleman, if we could have some quiet. I know we have a lot of people here and we have a very busy agenda today. Hopefully nothing go-- nothing too controversial, but there are issues with the numbers of items and we have a big agenda. We have three cafés to start out, and we're going to get to them and then we have five other zoning items. I'd like to acknowledge the following members of the committee who are here, Council Member Vincent Gentile, Council Member Ruben Wills, Council Member Donovan Richards, Council Member Antonio Reynoso and Council Member Vincent Ignizio. We're also joined by the Chair of the Land Use Committee, David Greenfield, and also Council Member Rosie Mendez who has three cafés and Council Member Steve Matteo who has an item in his district as well. Mr. Gardonick did walk in yet, did he? I know Mr. Garodnick is on his way, and so we're going to get started. Okay. Alright, we're going to start with Land Use Number 39 which is a café 7A café. I'm trying-- going to guess where that's located, and Allie

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Colvin, Allie if you could head over to the table there and please when you speak state your name for the record and you could acknowledge the gentleman who's with you if he's going to speak. He should acknowledge himself. Wait, is that also him? Oh, is-- what's the gentleman's name? Oh, he is. Oh, he is here too, I'm sorry. So that's Moshay Hatsov [phonetic] okay. Okay. So whenever you're ready, if you could please describe the application and then we're going to have Council Member Mendez make a statement who represents this café, which I assume is on Seven and A, right? Okay. I'm completely nuts on this. Okay, whenever you're ready.

ALLIE COLVIN: Okay, my name is Allie Colvin, I'm the representative for Seven A Café Inc. I have with me the owner, Moshay Hatsov [phonetic]. He's the owner of Seven A Café. I submitted to you a statement from our office. We understand that this item has been called up to City Council for a couple of different reasons and we'd like to just address each one of those issues. The first issue is that

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according to the renewal application that we applied. Once the photos were evaluated it seems that there was an illegal waiter station that the applicant was operating. At first the applicant didn't understand that use of the waiter station was illegal, however, he understands this now. That's been eliminated from the sidewalk café. I've included pictures showing that currently there is no waiter station and the applicant will not use any waiter station in this café anymore.

CHAIRPERSON WEPRIN: Great. Is that it? You had more to say? I'm sorry, I apologize.

ALLIE COLVIN: No, that's okay. I'll try to keep it brief, I promise. The second issue was that it came to the Council's attention that there was a change of ownership that's contemplated here. We'll like to go on record to say that no ownership change has gone through yet. Yes, it has been contemplated, and yes, they have closed for renovations, but a condition of changing any ownership, it's conditioned upon transferring over certain

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licenses. So the change of ownership hasn't actually gone through yet. As soon as it does and if it does, we will formerly--we understand that we have to apply to the DCA for an assignment of the existing license and we're happy to do that at the appropriate time. And then the last item is the--there was a site visit conducted and City Council noticed that there's a Siamese connection, and there wasn't the proper clearance between that and the café. That's actually a Siamese connection that was just put in recently. So it's not that--for a number of years this café has operated and it's not that the plans were always wrong. This just came in recently. As soon as it came to our attention, we had the architect redraw the plans and a copy of that is submitted to you guys, and now we have all the proper clearances. So we understand those were the three issues. If we can answer any more questions we're happy to.

CHAIRPERSON WEPRIN: Okay, great.

Thank you. I'm going to call on Council Member



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SUBCOMMITTEE ON ZONING AND FRANCHISES

Mendez who I know you've been talking to on this item.

COUNCIL MEMBER MENDEZ: Thank you. I want to thank you for making the changes to be in compliance. I am a frequent customer. I particularly like the pancakes with the strawberry butter and I will bring Mark there one day. They're open 24 hours, Mark. You can bring your daughter, she'll love it. But I want to thank you for working with my staff and the City Council to bring the café into compliance.

ALLIE COLVIN: Absolutely.

COUNCIL MEMBER MENDEZ: Thank you very much.

CHAIRPERSON WEPRIN: Well thank you. And you're welcome for the commercial she gave you. Look at that. Well thank you very much.

COUNCIL MEMBER MENDEZ: And anyone who wants to go, Mark is picking up the tab.

CHAIRPERSON WEPRIN: Now, all of the sudden it changes, I don't know. Taking me usually means you pay, Rosie, but okay. Alright. Thank you very much we appreciate it.

ALLIE COLVIN: Thank you. Thanks.

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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON WEPRIN: But I look forward to seeing you. Is anyone else here to testify on this item, Seven A Café? I see none, so we're going to close this hearing and then move onto Land Use Number 40, which is Mama Bar. That one I can't identify where it is by the name, but and that also is in Council Member Mendez's district. I'd like to call up the people, Kareem Rogers, I believe it says, and Frank Sanabria [phonetic]. Close, no? What am I looking at here. Wait, if I called-- I'm sorry, I made--okay. Who's here on behalf of the applicant? Whoever's here on behalf of the applicant can come up. I'm sorry about that. I--Okay. So whenever we're ready, whoever's going to speak please state your name. Anyone who speaks on the record should say their name before they speak, and if you could describe the application for the café and the discussions that you've had. Thank you.

MARIG SCHVADE: Good morning, esteemed members of the Council. My name is Marig Schvade [phonetic], I represent Mama Bar LLC. I have with me Richard Friedman and Carlos

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who's the general manager. We're applying for a brand new side walk café within our premises. We sent a statement which I would like to read to address the certain issues concerning noise complaints. First, I would like to mention that Mama Bar has been around for about a decade and a half. Mama Bar has become an iconic establishment within the neighborhood. The location has been a topic of countless articles and most prestigious publications in New York City. The bar is one of a dying breed of dive bars when a drink is still affordable to anyone. As I mentioned, Mama Bar has been in location for a decade and a half of which Richard had owned it for almost 10 years. Richard also has been making improvements for many years, most recently adding a new bathroom and replacing all floors. All this in mind, it is so difficult to make profit once all the bills, taxes and salaries are paid, adding a new source of revenues became a necessity in a sidewalk café will be just that. Mama Bar has been unfairly in our opinion subject of scrutiny directly coming from CB3 regarding

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noise complaints. In our opinion these complaints aren't founded and unreasonable. I would like to present in a moment our audio assessment which will include and list all of the improvements that we had made to limit and keep the noise to minimum. To our knowledge, Mama Bar has not had one noise violation issue by the city in the past five years. We don't even--we don't really have 311 complaints regarding noise either. To mention also there is, which we feel Mama Bar is targeted unfairly regarding noise complaints. There are other establishments within half a block radius that keep their windows open until midnight or have a live rock bands and do not observe the rules and regulations that should be. What we are doing regarding the noise complaints, the general manager Carl Heir [phonetic] is also a sound engineer. He had implemented for some time already certain measures to combat the noise. They have installed dual channel limiter on the sound system ensuring the sound to be kept to a minimum and the music is not able to play above a certain limit level, maximum

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level, I'm sorry. We also installed a focus right limit boxes on every speaker in addition to main levels. There are no subwoofers projecting bass on these establishment, in the establishment. In addition to that all of the speakers are focusing or directed into the middle of the room, away from all doors and windows. They're also hanging on wires. In audio assessment we also included pictures of implementation of the methods. I'd like to state that also Richard, the owner/operator had invested for a specific acoustic quiet curtains and drapes which dampen sound, light and noise to bare minimum. In addition to that, Richard had signed a stipulation with the Community Board about four years ago which asked him to close his windows and doors at 10:00 p.m. She has been observing ever since. We always keep asking our patrons to keep quiet while outside and we also keep all smokers within confines of our premises on the sidewalk. If you notice over there in the audio assessment we have pictures of the speakers which are very, very small, posted signs. There are pictures of the

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curtains which are very, very heavy, in addition to pictures of the windows that we close. To conclude, we'd like to add that it is absolutely necessary right now at this point to increase the revenue for Mama Bar. We understand that sidewalk cafés are controversial topics in such a congested community, however, we are willing to be a good neighbor and we wanted to work with the community. We have a tremendous following. We have several people present from the local community that do live and work in the area, and we're here to take questions. Thank you.

RICHARD FRIEDMAN: Thank you. When we signed the stipulation and there was some issues about sound, we removed the large speakers, had someone come in and have a tuned system. So you'll see we have very small speakers and we removed the woofers because that noise and the subwoofers is what really carries. We have during the weekends, you know, our security doorman who's licensed has--par of his job is to one, keep people quiet, but also to monitor the noise levels so that it, you

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know, to make sure that it cannot be heard beyond the curb with any, you know, so that the sound levels will get very reasonably. And we frankly, because we're a neighborhood bar, we're not one of the fancier places, I think we're being unfairly targeted. We're not a fancy place, but you know, we're a popular place because of that, and I do think that it's some of the feelings being expressed by some people towards Mama's has more to do with the fact that we're a comfortable bar, a neighborhood bar rather than the other, you know.

CHAIRPERSON WEPRIN: Okay. Let me call on Council Member Mendez who has a statement to make and then we have someone from the Community Board to testify as well as two workers who I accidentally called too early in favor. They're in favor. Council Member Mendez?

COUNCIL MEMBER MENDEZ: Thank you, Mr. Chair. We were outside discussing their written testimony which I got this morning, stuff that I wasn't quite in agreement with but we talked through some of them. We were getting

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to the point when the hearing started that the community board has requested the applicant to sign a stipulation which they have not and a change agreement for the sidewalk café which they have not. The stipulation in question which the applicant talks about was in July of 2010, and so I have a couple of questions. As per that stipulation, the doors were supposed to close and the windows at 10:00 p.m. at night and that is in fact the case?

RICHARD FRIEDMAN: Yes.

COUNCIL MEMBER MENDEZ: Okay. you were also supposed to have a DJ stationed only in the basement. Is that in fact the case?

RICHARD FRIEDMAN: Well, we did not go ahead with the development of the basement and we do not have DJ's.

COUNCIL MEMBER MENDEZ: You do not have a DJ and you did not develop a basement, okay. And you were also supposed to have--oh, you didn't develop the basement. So you were limited to have nine tables with 18 seats, but you didn't develop the basement so you would not have that?



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RICHARD FRIEDMAN: Correct.

COUNCIL MEMBER MENDEZ: Okay. We didn't get to what parts of the requested new stipulation and change agreement may have been objectionable because some of the things you say you've done was stuff that the Community Board asked for, but I think we should just-- unless you can tell us know what you object to, there are new requests for the stipulation and the change agreement.

RICHARD FRIEDMAN: Well, the thing that sticks in my mind the most was the number tables. In order to have the outside tables, you have to have a waitress or waiter service to it, and they wanted to reduce it to the number that it became impractical to have a waiter actually serve those tables. You have to have enough people out there to serve.

COUNCIL MEMBER MENDEZ: Alright. And you did, from your original plans, reduce it slightly.

RICHARD FRIEDMAN: Yes.

MARIG SCHVADE: Yes.

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COUNCIL MEMBER MENDEZ: And is there any, you know, I guess my question would be is there any midway point not--I would have to refresh my recollection of what the Community Board was asking for and what you've last filed.

RICHARD FRIEDMAN: We did offer. I mean, we're not enthusiastic about it, but in order to make a compromise we offered to remove the tables on the Avenue B side.

MARIG SCHVADE: And just to--

COUNCIL MEMBER MENDEZ: [interposing]  
To eliminate them.

MARIG SCHVADE: Yes, entirely.

RICHARD FRIEDMAN: To eliminate them.

COUNCIL MEMBER MENDEZ: And just keep the tables on the East Third Street side?

MARIG SCHVADE: Correct, yes.

COUNCIL MEMBER MENDEZ: And let me ask you something. Is Mama's Food still open?

RICHARD FRIEDMAN: No, there's another restaurant coming in.

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SUBCOMMITTEE ON ZONING AND FRANCHISES

COUNCIL MEMBER MENDEZ: Okay. I used to enjoy the fried chicken there. I don't cook, I eat everywhere.

MARIG SCHVADE: We all used to.

RICHARD FRIEDMAN: But I think you'll probably enjoy the new place even more.

COUNCIL MEMBER MENDEZ: And the food is the same food that used to at Mama's? I did not see the food menu with your application.

RICHARD FRIEDMAN: It's going to be southern style and influenced, yes.

COUNCIL MEMBER MENDEZ: Do you have a menu that you can provide to me and my office?

MARIG SCHVADE: I can email it to you later.

COUNCIL MEMBER MENDEZ: For the purposes of the record, if they're offering food, I want to see what food they're offering and then if I like the menu I may go frequent it with Mark Weprin. So, okay. I'd like to see a menu at some point. I guess if we can have the public testify, then maybe we can come back and see where the issues are. You know, I cannot speak specifically about the noise in

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your business, but I get complaints regarding multiple businesses on the stretch of Avenue B, and we've taken different measures with those other different businesses so we can keep the noise down and there is a lot of foot traffic late at night. I disagree with you that dive bars are a dying breed. I have way too many of them in my district on Avenue A, Avenue B. So all I want is businesses to be good neighbors, 'cause we have residents living there.

CHAIRPERSON WEPRIN: If you guys give a brief response, go ahead. You wanted to say something.

RICHARD FRIEDMAN: I agree with those--we are a good neighbor. I actually would not characterize our bar. We've kind of changed over the last couple of years to being less of a dive bar and more of a neighborhood bar.

MARIG SCHVADE: If you call that upscale dive bar.

RICHARD FRIEDMAN: Yes, upscale dive bar, but if you come in, it doesn't look like the old Mars Bar, whatever. We always get A's. Every time we have, you know, our health

2   inspections we're consistent A's and we try to,  
3   you know, really our thought is and in fact is,  
4   is being a neighborhood bar.

5                   MARIG SCHVADE:   But just I wanted to  
6   ask really quickly.   We haven't really had  
7   anyone coming forward to us with any noise  
8   complaints.   We've been more than happy, I know  
9   Richard is very receptive to it.   If there's  
10   anyone could that come forward and let us know,  
11   hey, we have a problem with this, and this or  
12   the other.   No one has ever really approached us  
13   about it.

14                  CHAIRPERSON WEPRIN:   Stick around a  
15   few minutes, you may get to hear one.   I don't  
16   know.

17                  COUNCIL MEMBER MENDEZ:   I'd just like  
18   to put on the record--

19                  RICHARD FRIEDMAN:   We also--

20                  COUNCIL MEMBER MENDEZ:   [interposing]  
21   I'd just like to put on the record, so the  
22   Community Board request, and when you say  
23   Community Board Three, you know, Community  
24   Board Three is just responding to the  
25   complaints they get from our constituents.   So

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their request is to have seven tables, 14 seats. Your current plan is for 12 tables, 24 seats. You've agreed--you said on the record that you would be willing to eliminate the two tables and four seats on Avenue B, which would bring it down to 10 tables and 20 seats, and you know, we can have a discussion to see whether--well, we'll listen to all the testimony and see if there's any more wiggle room in that area.

CHAIRPERSON WEPRIN: Okay. We'd like to move onto--'cause we have a couple people to testify on this café, and we have a very busy agenda. So I want to thank this panel. Stick around. There are two people here to testify in favor, and one person I opposition, I believe, right? So you're excused, thank you. I'm going to call out all, both the opposition and in favor up together. I hope you guys don't find. The people I spoke before, Frank Sanabria [phonetic] and Kareem Rogers [phonetic] are here in favor, and then it is just Susan Stetzer from the Community Board in opposition. I'll guess I'll be spending some time near

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Tompkins Square Park soon, right? Alright. So who wants to go first? Ladies first? What do you think? Okay, you'd rather them go first.

UNKNOWN: We're okay. We're okay with ladies first.

SUSAN STETZER: That's kind of sexist.

CHAIRPERSON WEPRIN: Go ahead. We'll give you a chance to rebut if we have to.

SUSAN STETZER: How about Community Board First?

CHAIRPERSON WEPRIN: Alright. Fair enough.

SUSAN STETZER: Okay.

CHAIRPERSON WEPRIN: Sorry about that.

SUSAN STETZER: First of all, little out of organization but as far as the change agreement, the issue of--you know, we did not actually oppose the sidewalk café application. We tried to offer resolutions to problems such as noise, and along with reducing the number of seats, we asked to have the sidewalk café close at 9:00 p.m. and I think that was probably a

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very big issue. Moving all the seats to East Third Street is actually a narrow residential street, and it's within the commercial over, with 100 feet commercial overlay, but it's still a narrow residential street and it's old tenements, and this is where people with families sleep. So a big issue is the hours. It's not just having the sidewalk café. It's a question of what time this sidewalk café is open to and you know, they don't seem to even be willing to prove themselves by saying let us operate until 9:00 and we will show you, you know, how we all operate and maybe come back in a year or two. There are always ways to compromise and negotiate. I don't think from even listening to the business owner at the Community Board in which he was certainly heard complaints including from residents that were at the board and from the Community Board which represents the complaints. It doesn't sound like he's taking responsibility. He believes he's being targeted unfairly. Mama's Bar started off as a wonderful restaurant; we all loved it. In 2003 it expanded and said it



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needed a full liquor license. Mama's Bar that resulted is not the same thing as Mama's Café. This is not for fried chicken. And for the record, I would say most people on the Community Board really love our local dive bars. We wish they would stay dive bars and not be inundated on the weekends. We have been getting complaints over many years. It is true that most people longer call 311 because there's not a response. It is certainly not-- there's nothing in comp staff that ask the police how they respond to 311 commercial noise complaints, and in spite of that we actually have the highest number of commercial noise complaints in the city.

CHAIRPERSON WEPRIN: If you could

just wrap up real quickly, because we really have a busy schedule. So we're going to limit people to two minutes, 'cause that's what that ding was.

SUSAN STETZER: Okay. So one of the

things that our big objections is we were trying to at renewal time this February deal with the noise. We were not against, we were

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trying to resolve. We asked the business owner to sign a stipulation saying he would not have pub crawls. He said he could not exist with pub crawls. Pub crawls are not a local business. So that's a huge issue. We do not need pub crawls extended to a sidewalk. The other thing he said, I said, I myself, I live a block away, have observed people outside being really drunk, really loud, really noisy. The bouncer did not quiet them. They were not within the ropes.

CHAIRPERSON WEPRIN: Alright. Let's not get too specific on specific charges. We have to wrap up and I have to get onto these gentleman, and then about eight--five hours worth of hearing, maybe.

SUSAN STETZER: So the issue is we wanted to compromise to resolve the issues.

CHAIRPERSON WEPRIN: Thank you very much. I'm going to let these two gentleman go. We're going to limit you to two minutes. I should have said that before but someone stole our clock and now we have a manual clock, so.

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KAREEM ROGERS: My name is Kareem Rogers. I want to thank everybody for giving us the opportunity to be here in front of you and to express our support.

CHAIRPERSON WEPRIN: Stay close to the mic.

KAREEM ROGERS: I'm sorry. To express our support for the bar, and I also want to thank the woman next to me from the Community Board as we do respect our neighbors, and I'm just going to I guess keep it brief. We do a lot of outreach stuff for the neighborhood as well as we offer a lot of employment for people in the neighborhood, and while we would love to stay a dive, we would also like to, you know, somewhat be successful. I don't think there's anything wrong with that, and we again, we have lots of signs up to deal with some of the issues that the woman next me with respect was concerned about and we just want to follow the law, and I think that we sort of don't understand why we can't just follow the law, because the law seems to be good enough for,

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for instance, the place across the street. So we just want to be law abiding good neighbors.

CHAIRPERSON WEPRIN: Thank you. Sir?

FRANK SINABRIA: When it comes to certain issues that--

CHAIRPERSON WEPRIN: [interposing]

Just state your name.

FRANK SINABRIA: Oh, Frank Sinabria. When it came to certain issues that she was discussing, I would have to say--I would disagree on the fact where it comes to people being drunk and disorderly, not necessarily from our bar. I mean, there is many other establishments on that street, and we do not allow anyone to come into our bar that is already well intoxicated, and we do have doorman to handle that and move them along and they are judging that issue. And me, as a bartender, I also make sure that does not happen at our restaurant, and also when it comes to sound we do have curtains. Our speakers are limited down to a certain decibel level and that's all I really have to say about that. Thank you.

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KAREEM ROGERS: As a side note, and I apologize Councilman, pub crawls was mentioned. I don't know if everybody's fam-- that's--a pub crawl is just a thing people do. It's also, I guess there's a business called pub crawls, which we mess with them I think twice, but it hasn't really been very successful.

CHAIRPERSON WEPRIN: Okay. No problem. Ms. Mendez, you want to make anymore statements before I excuse this panel?

COUNCIL MEMBER MENDEZ: I'm just hoping we can go outside and talk and try to find some common ground, which will mean the Community Board looking at what changes you have made and you looking at what changes they're still requesting and seeing if there is some middle ground.

CHAIRPERSON WEPRIN: Great. We have one more café after this. We'll do that one, and then you can go outside in the hallway. You guys can work it out while we move onto the rest of the agenda, okay? Gentleman, lady, thank you very much.

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KAREEM ROGERS: Thank you.

CHAIRPERSON WEPRIN: Anybody else here to testify on Mama's Bar? I don't know if there's a legal definition for dive bar. It may be like pornography, you know it when you see it, right? But yes, I'm going to close this public hearing, Land Use Number 40, and I'd like to move onto Land Use Number 44, which is another café called The Fourth on Fourth Avenue. And Mark Glazer is here, I believe to speak on this matter. And this also is in Council Member Mendez's district. A long walk. Mr. Glazer, whenever you're ready, state your name again for the record and then just make your presentation as quickly as possible.

MARK GLAZER: I will, I promise. My name is Mark Glazer. I work with Michael Kelly's Office. I also serve on the Community Board. I'd like to read into the record the agreement that was reached with Council Member Mendez's office in regards to the sidewalk café for 132 Fourth Avenue Restaurant LLC. Basically the letter serves as an agreement with Council Member Mendez and encompassing members of the

2       Subcommittee on Zoning and Franchises that we  
3       will commit to the following. We will lower our  
4       number of seats and tables in the café from 13  
5       tables and 26 seats to six tables and 12 seats.  
6       We will also remove the planters in front of  
7       the restaurant.

8                   CHAIRPERSON WEPRIN: Okay, thank you.  
9       Ms. Mendez?

10                  COUNCIL MEMBER MENDEZ: I want to  
11       thank The Fourth for working with my office and  
12       Community Board Two. My concern was one about  
13       the planters and whether there was DOT consent,  
14       but you're going to be removing them and that  
15       is find, and I again, just want to thank you  
16       for taking the time and working with our office  
17       to reduce the number of seats and tables. Thank  
18       you very much.

19                  MARK GLAZER: Thank you.

20                  CHAIRPERSON WEPRIN: Super. We love  
21       happy ending. Thank you very much. We're going  
22       to close this hearing that's Land Use Number  
23       44. And that'll be it for our café portion of  
24       the day. Ms. Mendez, thank you very much. We  
25       are now going to go onto the items on our

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agenda. We are--oh, I want to make an announcement. We are going to be having--we're definitely not voting on the Domino Sugar item today and on the West 57<sup>th</sup> Street item today. They are going to be voted on hopefully tomorrow morning. We're going to have a meeting at 10:30 which is before the Land Use meeting of the subcommittee. So members of the subcommittee, and we'll send you an email stating this too, 10:30 tomorrow, please be at the City Hall Committee Room, tomorrow morning at 10:30 and we'll have those votes then. Whether we have other votes today is still to be determined. We're hoping to get to today, but we will continue on here. We're going to move, I think, to Staten Island, right, from the get go here and do Land Use Number 46. I apologize I didn't give you warning on that. I see Eric up here. So Land Use Number 46 Richmond Avenue rezoning, Council Member Matteo's district. Eric Pulatnik [phonetic] and R. Randy Lee, gentleman? Great. I know Mr. Matteo spoke to us before and said he's okay and he's in full agreement on this project, but



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couldn't stick around for it. But whenever you're ready, gentleman you know to state your name when you speak so we have a nice clean record and know who's talking and then we'll try to move through all these as quickly as possible. Okay. Alright, gentleman, you can just stand up--

ERIC PULATNIK: [interposing] Hello, good morning. Eric Pulatnik.

CHAIRPERSON WEPRIN: like Oprah.

ERIC PULATNIK: You know, this is the microphone that you have. The application is for a rezoning on Staten Island, on Richmond Avenue. It's proposing to rezone primarily this piece of property right here on the corner of Merrill [phonetic] and Richmond. The Staten Island expressway, by the way, to orient yourself is over here to the right, and property's currently zoned residentially and we're prosing to put a C12 overlay on this property and the property over here. Just to show you a little more clearly, this is a radius diagram and what it's showing you right here are the two properties at issue with the

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proposed zoning overlay. I apologize for my back. The one here and the one here, and again what we're proposing to do is to change the zoning map which we're showing right here and is also in the handouts that I see you all have in front of you to put the C12 overlay, again, on this property here and this property here. This property on this side, these block 1580, lot 22, this is improved upon already with an existing 2,500 square foot medical facility, and the reason for having the rezoning onto this property on this side where the medical facility is, is to legalize that and make it current, legal under current zoning. It was built in 1996 before the adoption of 2004 ambulatory diagnostic treatment healthcare facility reform, which limited them in size. It's a mouthful. Limited them in size to 1,500 square feet. So in 2004, when that action took effect by the City Council, that caused this building to be legal non-conforming, yes, the use and the bulk as well. So we're proposing to run the rezoning onto that property as well as onto this property. What we're proposing to do

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on our property is shown right here. It's approximately 6,400 square foot retail space that will be carved up into a number of individual retailers, two or three, local neighborhood retail. It will have 21 parking spaces which complies with the underlying district that's proposed at C12, one per 300 square feet. It's proposed to be buffered at the rear where there is residential behind us by a 15 foot buffer on this side and approximately a eight foot setback on this side all with landscaping. We've met with the Councilman, I've spoken to him and up until now he's indicated his support. I don't see--I think he stepped out of the room now. I don't see him here.

CHAIRPERSON WEPRIN: Yeah, I have a statement to read to after you're done from him.

ERIC PULATNIK: Okay. Also we've met with Community Board Planning Board Two, Staten Island who's unanimously supported the application. So--

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CHAIRPERSON WEPRIN: [interposing]

For the record, on the applications we don't have the timer for the applicant. So, okay.

[cross-talk]

ERIC PULATNIK: Or an elevation I should say. Thank you.

CHAIRPERSON WEPRIN: Great. Mr. Lee, did you have something you had to add, or?

R. RANDY LEE: I'm just here at Mr. Pulatnik's intern, so I'll waive my time.

CHAIRPERSON WEPRIN: Expensive intern, okay. Thank you. I have a statement here from Mr. Matteo, Council Member Matteo I should say from Staten Island, and he writes, "Thank you Chair Weprin. I would like to express my support for Land Use 46, which would create a C1 C2 overlay, Richmond Avenue. The change has the support of Staten Island's Community Board Two, Borough President Oddo. Richmond Avenue is one of the main commercial corridors in Staten Island and its businesses and offices provide services to many of my constituents in the western portion of my district, creating a commercial overlay without

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changing the underlying zoning affirms the residential character and the adjacent streets and supports those homes by permitting small retail stores. Additionally, it recognizes the lack of public transportation by requiring sufficient parking due to its consistency with the community's needs and the neighborhood as it is currently developed, I as my colleagues, that's you guys and myself to support Land Use Number 46. Thank you very much, Council Member Steve Matteo." So you can't get a better endorsement than that. So we're going--any questions to the panel, I should say? I don't see any questions from the panel, so we're going to excuse you gentleman and move onto our next time. Is anybody in the audience here to testify on this item on Staten Island? Oh, we okay?

[off mic]

CHAIRPERSON WEPRIN: He can dress them up. You okay? Donovan, you alright there? Alright good. Alright we're going to close this item and we're going to move on right to--this is to Barron, right? Alright,

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we're going to Brooklyn now, crossing the Verrazano Bridge, not paying a toll that way, LU 45. I lost my place here. Rockaway Park rezoning. I'd like to call on Daniel Eggers. This also hopefully is not a controversial item since it has the support of the local Council Member, and so we're not anticipating much. We okay there? Our clock, by the way, is back. It was in the Easter break storage, I guess. My phone is ringing. We're going to need it later, though, but whenever you're ready Mr. Eggers. You can sit down if you want. I don't know. We can see the chart there. State your name. Please make the presentation and I'll ask the panel if any questions.

DANIEL EGERS: Good morning, Chairman Weprin, Members of the Council. My name is Daniel Eggers from the Firm of Greenberg Traurig, representing PFNY LLC, doing business as Planet Fitness, the lessee of the property located at 1380 Rockaway Parkway in Canarsie. This is an application to rezone C13 commercial overlay to a C23 commercial overlay in an R5D district, which would allow our client to apply

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for a special permit under section 7336 of the zoning resolution from the BSA to operate a physical culture establishment. The special permit is not available in C13 districts, but it is in C23 districts. We received a unanimous favorable recommendation from the Community Board. Many people in the community are enthusiastic that there will be a gym in this neighborhood and that the property which is improved with a building that used to hold a Rite Aid pharmacy until 2011. It's been vacant since then. Will be returned to active and conforming use. I welcome any questions you may have.

CHAIRPERSON WEPRIN: Thank you very much. Panel, we have any questions for this gentleman? I see none. As I mentioned before, Council Member Barron, it is our understanding, is okay with this item and supports it as well. So we thank you. That was easy.

DANIEL EGGERS: Thank you very much.

CHAIRPERSON WEPRIN: Okay. Thank you. We're going to close this hearing. Anyone here to testify before I actually close the hearing

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formally, but I don't think they are on this item in Brooklyn. I see none, so we are going to close that hearing. Alright. We're leaving Brooklyn, going to Manhattan for the rest of our day, and we're going to go--we're going to skip the two Corey Johnson items and go onto the Ben Kallos Rockefeller University expansion which is Land Use numbers 49 and 50. I'd like to call up Robert Cook, Doctor Stephen Rosen and Mark Tessier-Lavigne. So gentleman, are you okay with that set up now? Okay. We're going to do this item and then we're going to move to the two items, the other two items in Corey Johnson's district at the end. We're now moving along swiftly. You got that message? You got the message? Okay, good. Yeah, we have a little time, so you can go do what you have to do. Gentleman, whenever you're ready please make sure to state your name when you speak since there's more than one of you, we want to have the record to be able to reflect who's talking and if they're reading it, so that's why we ask you to keep stating your name when



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you speak. Thank you. Whenever you're ready and you get the power point set.

MARK TESSIER-LAVIGNE: So, Chairman Weprin, Members of the Council, thank you so much for meeting with us today. My name is Mark Tessier-Lavigne and I have the privilege of serving as the President of Rockefeller University. We appreciate the opportunity to tell you about our project proposal and to address any questions you might have. I'm joined here today by Jay Bargmann of Rafael Vinoly Architects who will present the plans for the project as well as Bob Cook from Anderson Kill and Steve Rosen of AKRF. They're here to answer questions about approval and environmental impact aspects of the project. Before we launch into the project, though, I'd like to begin with a very brief overview of the Rockefeller University because I suspect that not everyone here is completely familiar with our institution. Rockefeller is a world leading research and educational institution, one that's highly focused. We just do biomedical research. We're just a graduate school, only

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PHD students. Because we don't have undergraduates we don't have a football team which explains why we're unfamiliar to many even in New York City, and the other reason we're not that well known is because we're small, about 1,800 people on campus, 1,200 of those are scientist and they're organized into 70 laboratories headed by--they're each headed by a professor. Now, despite our small size, and this is our calling card, Rockefeller's been one of the most successful if not the most successful biomedical research institute in the world. We've had an unparalleled record of scientific accomplishment by any measure, including the fact that we've had more Nobel Laureates in medicine and chemistry than any other institution in the world, more than Harvard, more than Stanford, more than MIT, actually more than most countries. If we were a country, we'd be number four after the US, Britain and Germany and ahead of France. So more Nobel Laureates in all France, which is remarkable for a small institution with just 70 lab heads. Even more important than that metric

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is the huge number of transformative discoveries that it reflects including for example the fact that genes are made of DNA, probably the most transformative discovery of the 20<sup>th</sup> century, the fact that viruses can cause cancer, the development of methadone, a treatment for drug addiction, the development of the first life extending drug combination treatments for HIV/AIDS and many others. Our success is based on our approach, which has been consistent for 100 years, which is to work aggressively to recruit the very best scientists and provide a highly interdisciplinary free flowing environment that encourages them to interact across boundaries and disciplines. I'll come back in a moment to how we establish and maintain this culture, but I want to first note our place in the local community. We're proud to have been a part of the Upper East Side community for over 100 years. A large number of our employees live within blocks of campus and shop locally and send kids to local schools. In fact, 55 of our 70 lab heads walk to work. So we're a local

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university. We work very successfully and collaboratively with our community, both in general as well as on this proposal as evidence by the overwhelmingly positive vote this project received from Community Board Eight. That support reflects several aspects of our engagement and relationship with our local community, multiple meetings with Community Board Eight, even prior to those that were required as part of the approval process, transparency and the design process and a guiding principal which is respect for the neighborhood. Part of the support also stems from our commitment to enhance and maintain the East River Esplanade section around our campus. Jay will describe more details on these elements, but what I do want to say is that we consider them an important and wise investment in an Upper East Side waterfront resource that's of critical importance to the public. We also affect our local community economically. We have an operating budget of about 300 million dollars annually. It's supported entirely by federal and other research grants

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and philanthropy. We don't have revenues from patients. We don't charge patients at our research hospital. We don't charge our students. We subsidize them fully. That 300 million dollars gets pumped into local community and beyond research is part of our core educational mission. We bring local high school students and just as important high school teachers to campus to provide them with laboratory experience and scientific training. We also welcome the public to our campus for many events including lectures, concerts and other activities. Finally, we've been playing a very active leadership role with the city and other institutions to try to build up the bio technology sector in New York City in order to create good well-paying jobs for our citizens. The university works--has to work hard year in and year out to attract and retain the world's top scientists, and to do this we have to be able to offer world class laboratories that meet or exceed the standards of competing institutions across the country and abroad. What top scientists look for today are state of

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the art laboratories that maximize opportunities for collaboration through large floor plates and adjacencies of lab space that enable open exchange of information and ideas. And so it's vital for us to renew our aging lab stock and develop new laboratory space meet contemporary standards. This project is in fact a renewal project, not an expansion project. But having state of the art facilities is necessary but not sufficient. All of our competitor institutions in Boston, the Bay Area and California and elsewhere are renewing their research lab space and they have two other factors that enable us get and keep the very best scientists in the world. The first is that we provide an integrated living experience for our scientists with subsidized accommodation, a daycare and other facilities right on our campus. That's attractive to top scientists because they want to be able to focus like a laser on their work without other distractions. The second key leverage in recruiting the worlds greatest scientist is our open collaborative environment and culture. We

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have a very flat structure without departments so scientists don't have any administrative distractions and our campus is free-flowing, enabling the scientists to interact seamlessly with their colleagues every minute of every day. In fact, the new building plan that's being presented today not only will renew our lab stock, it'll also enhanced the secret sauce of Rockefeller by connecting the original space on the north to the lab spaces developed on the south in the 80's and 90's and tied a campus together which will help us maintain our competitive edge. In closing, I'd like to stress that we believe this important project is an essential cornerstone of our long term plan to enable Rockefeller to continue to thrive in our core scientific mission, and to continue doing so while also serving as a collegial, respectful and responsible member of our local community. And now I'd like to ask Jay Bargmann from Vinoly Associates, the architectural firm, to describe the project in more detail.

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JAY BARGMANN: Good morning. My name's Jay Bargmann. I'm a partner at Rafael Vinoly Architects. We've been working with the University for approximately the last three years and in the last 18 months, a very intensively with City Planning Department of Parks, DOT and the with the Community Board to develop a project that would integrate with the university, support its mission, which is to provide state of the art biomedical research and also integrate well with the surrounding community. As Mark said, it's a collaborative group of scientists conducting advanced research. However, they're doing it in buildings that are between 50 and 100 years old and cannot support state of the art infrastructure and do not promote flexible collaborative research. This is a summary of the areas. It's a modest project, around 180,000 gross square feet. The largest majority of the square footage is devoted to research. There's a small component which is a wellness center, which is replacing facilities that are already on campus. The whole point of this



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project is not to expand the campus population. The population remains unchanged. These scientists will be relocated from obsolete buildings into this building. So no new traffic or population inserted into the community. In fact, most of the--many of the researchers and support staff live on campus or in the surrounding neighborhoods. So this really is a community institution. Here's the site vicinity plan. The campus is on the East River on the East Side. It's flanked by the river and the esplanade. The western border is York Avenue and its just north of the Ed Koch Bridge, surrounded by residential neighborhoods and other institutions as you know. Again, its 112 year old campus and the buildings have been built starting in 1902 and are clearly outdated. This is a existing site plan. It's a variety of buildings constructed in a variety of architectural styles, many of them distinguished and they remain untouched by our proposal. The project--the university had obtained air rights over the FDR in the early 70's, 1973, which the purpose of obtaining

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those air rights was to add additional research space. So we're acting on an agreement that was reached 40 years ago. This is the proposed site plan. In red you see the building which is a long horizontal building, two stories in height, two lab floors basically extending from the southern end of the campus to the hospital to the north basically closing a gap in the FDR between two existing buildings. It's a low building because research is best conducted on horizontal floor plates with large areas that allow researchers to reconfigure their groups easily without great expense. This is a section through the campus and you can--this is probably the key image in the presentation. The building is 20 feet above the FDR Drive and its bulk is primarily below the elevation of the existing campus, so that when the--if you look on the right hand side of the slide is York Avenue and the left is East River, the building has no impact when viewed from York Avenue, and it has a very low impact when viewed from the East River or Roosevelt Island. This is a plan of the lowest level of the building and the red

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line is an indication of all the connection points between the existing laboratory buildings or support spaces and the new building. So you can see that the intent of the new building is to integrate the existing buildings and tie them together and allow access from all points in the campus. This is a photograph of the campus as it exists today and the purpose of this slide is just to show that there is no change when viewed from York Avenue. The building will not be visible once constructed. And this is the view from the circle line on the East River, and you can see the two story building which is the white line and it essentially is below the level of the existing campus buildings. It allows their variety to exist to continue to exist and it simply underscores them and gives the university integrity without being bombastic. And finally, we spent a lot of time with Community Board Eight with the Department of Parks and the Department of Transportation to develop an enhanced esplanade, and what we're doing there is rebuilding the sea wall which is

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deteriorated in the last 80 years, so the sea wall will be rebuilt with granite blocks and refilled. The hand rail will be replaced and repaired in kind. There's new paving, new planting, new benches, all of which carry the design from the south and the north esplanade so that this part of the esplanade is integrated with those parts to the north and south. And another feature is the eight foot acoustic barrier between the FDR Drive and the esplanade, which you see on the left of this slide, which will significantly reduce the sound of the passing traffic on the people sitting at benches. You'll also see an important feature which is that joggers and cyclists, the active users of the esplanade are kept to the inner side of the esplanade and there's a passive seating area with views protected by plantings and benches across the East River. And then the next to last slide is the existing esplanade and this is what we're proposing to enhance. You can see the puddle of water in the middle of the slide. That's a sink hole where the earth is actually flowing into

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the East River and that will be repaired and replaced when we repair the sea wall, and so the final image I want to leave you with is the enhanced esplanade, which we think is an important contribution of this project. Thank you.

CHAIRPERSON WEPRIN: Okay. Thank you, gentleman.

MARK TESSIER-LAVIGNE: The other two are just here to answer questions.

CHAIRPERSON WEPRIN: They're just-- okay.

ROBERT COOK: Sure.

CHAIRPERSON WEPRIN: Oh, okay. Then state your name and just put that on the record, Robert.

ROBERT COOK: Robert Cook. I'll describe the approvals that are required here. There's a special permit pursuant to section 74682 of the zoning resolution for construction in the air space over the drive and as part of that we're requesting a rear yard waiver on the back of the building facing the river where no rear yard is really required. There's also a

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change in the city map to permit the columns closing portions of the street to permit the support columns for the building to come down onto the westerly portion of the esplanade, easterly portion of the driveway. There's also a modification of the university's previously approved large scale community facility development plan because we are increasing the lot coverage and floor area still by very small amounts. There's a great deal left over, and then we're asking for two approvals pursuant to the 1973 agreement among the city, the university and the two hospitals, which provided for the development of the air space. I won't site the articles because you'll see it in your report.

CHAIRPERSON WEPRIN: Okay, thank you.

Just for the record, your reputation is a good one, despite the fact you don't have a football team. I'm not sure that's the end all be all being known. NYU I don't think has a football team. We've heard of them. And Columbia doesn't have much of a football team, so that doesn't matter. I'm going to call on Ben Kallos who

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represents this area. He has a series of questions. Obviously we have a big agenda today, so as briefly as you could answer them, that would be appreciated. Mr. Kallos?

COUNCIL MEMBER KALLOS: Thank you, Chair Weprin for moving us up in the agenda so that we could get to this issue. Thank you Land Use Chair Greenfield for being here on this issue, and to my colleagues on this committee I will try to be as quick as I can, and to Rockefeller University for meeting with me so very many times and for being with us today. You received two conditional approvals from the Community Board and the Borough President. One of the key factors was a concern for public space and an open campus. The Community Board requested a portion of the campus be made available to residents of the community for their "enjoyment." Can that be done?

MARK TESSIER-LAVIGNE: The--We, first of all, we believe very much in having the public come to our campus as I mentioned in my remarks. The way that we've been very successful with that is through programmed

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access, through lectures, concerts, other events and of course all of the science outreach activities that we have. It's programmed in the sense that it's at certain times a day and we--people come in in an organized fashion. The campus is really not set up to be an open campus. There are many challenges that really would not be possible. On the financial side, the--what we would have to do is, we would have to enter a lock-down mode where there would have to be guards at every entrance. Currently we don't have that. We have 24 building access ports that are currently unattended. It would have to be secured by guards, and so that people don't wander into area, laboratory areas that are unsafe to people who don't have the proper training and also to guard against theft of expensive instruments which has happened in the past when people have gotten in. Unattended key card access is not an option. So to enter that lock-down mode, we'd have to have a significant increase in our security force. Currently we only have 35 members for three eight hour



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shifts seven days a week. So the expense would be overwhelming and it would affect our culture enormously. We'd have to barricade the graduate student residents at ground level, the daycare center at ground level, the laboratories that are at ground level, the indoor/outdoor spaces that are the most popular feature for campus members to come together. It would have to cordoned off. So, it would alter the culture dramatically in a way that we think would really wreck the culture and is not really compatible with our, you know, what's made this university successful. That said, we do very much believe in public access, but in a programmed way and we are prepared to enhance the programmed access for that purpose.

CHAIRPERSON WEPRIN: That was the short answer, right?

COUNCIL MEMBER KALLOS: And so NYU, Columbia, other institutions, they have open campuses. So I just want to make that point that other similarly situated institutions do have open access. If you could pull up page six of your presentation, what you'll find there is

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that there's a ledge that goes over the East River esplanade. According to Manhattan Borough President Gale Brewer, that's going to cast shadows on the esplanade for up to 5.-- five and half hours a day and then if you'll open to page nine, it looks like we're going to have this beautiful terrace, and part of Manhattan Borough President's Gale Brewer's conditional approval, and again we're talking conditional approvals here where they said it was subject to these things was that the terrace overlooking the river would be open to the public. Can that be done?

MARK TESSIER-LAVIGNE: Well, the-- maybe I can start with second and go to the first after that. The rooftop of the building to get there from the esplanade would require-- you couldn't do it with a ramp. It's about six and a half stories off the ground, or with stairs you'd have to have an elevator which would have a big impact on the esplanade below. Moreover, once they got to the top, that rooftop has buildings and other things, so you'd have to carve out a small area which

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would first of all be a lose for the campus community and secondly not much of a win for the people who had to make the long trek up the elevator to that spot, especially when we think about just a few hundred yards further down we have the Andrew Haswell [phonetic] green, which overlooks the esplanade. I mean, our view is that the big win here for the community is to enhance the esplanade, that a lot of money with a very deleterious impact on the esplanade would rise from having that kind of arrangement with the rooftop. On the issue of the shadows, just like to point out a few things. The, I think the figure you cited was when there's any effect on shadows, including just a small sliver over near the edge. The--in the morning until the early afternoon there's no impact, of course, because the sun is on the other side. In the winter, in the afternoon there's also no time at which there's more shadow because of the--the shadows are cast by the tall buildings, not this building. The biggest impact would be in the, you know, the height of the summer where in the mid to late afternoon

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there'd be two hours and 40 minutes by our calculations when shadows would be cast. That's a time at which alternate between being in the shade and the sun in the heat of the day. So, there's no question it will have an impact, but we believe that the--it will be made up for by the dramatic enhancements that you've seen in these pictures.

COUNCIL MEMBER KALLOS: In the conditional approval from the Manhattan Borough President she says, "Develop a plan to create publicly accessible open spaces by moving the perimeter fence around York Avenue and East 68<sup>th</sup> Street." If you can pull up slide, page eight. So, as you can see, that's not very greeting to the community, and what we see is a gate for the entire location. So part of the conditional approval is that your university will make public accessible open space along that perimeter fence on York and 68<sup>th</sup> Street. Can you do that?

MARK TESSIER-LAVIGNE: The--it's unfortunately, all of the space on the campus is accounted for programmatically by the, you

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know, the different elements of the campus. For example, immediately to the right there is a parking lot that will be put under further pressure by the building of the health and wellness center. So there is in fact no space to be cordoned off. Again, we believe that the win here is really to abhor the resources into making the esplanade which is fully open to everyone and part of an integrated whole into a much, much better place and to enhance the programmed public access that we know works well on the university.

COUNCIL MEMBER KALLOS: I'm going to try to move along quickly here, but please do acknowledge that from the Community Board and the Borough President the overwhelming desire, need and conditional approvals were that if this is happening, if we're going to allow this use of the esplanade and our FDR that there needs to be public space and open space. With regard to the sound barrier you originally proposed five feet. The Community Board approved an eight foot barrier. I recently sent a request to the Department of Transportation

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and Parks to pilot a green noise barrier. Green noise barriers reduce noise, pollution, they provide a greener city and beautification. Can Rockefeller University look at installing green barriers for their noise barriers?

MARK TESSIER-LAVIGNE: We'd be happy to look into that, and if it can work in this kind of space, then we think that's a great idea. Obviously the devil's in the details of you know, the how it's organized, what kind of impact it would have on the esplanade and things like that, but we'd be happy to explore that.

COUNCIL MEMBER KALLOS: And I will share with your office a 165 page report commissioned by the Federal Highway Administration on exactly that and all the very many things we can choose from. As a result, the environmental impact statement Rockefeller's new construction will cast shadows over the East River esplanade requiring mitigation and investment in the bulk heads of eight million dollars and the immediate vicinity of your campus, leaving the city with

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115 million dollars that we still need to pay to fix the remaining esplanade outside of just your small nook. And if we don't fix it, we have to spend 430 million dollars to rebuild it if it continues to deteriorate. Can Rockefeller help with that?

MARK TESSIER-LAVIGNE: Well, first of all, we feel we're doing our part by putting eight million as you pointed into fixing the sea wall at our level and to rebuilding the esplanade, and I point out that we've agreed to rebuild it beyond where the building is for the 150 feet south of that as well. The--we believe actually that it's very important for our community to enhance the esplanade not just where we are but further. We certainly would be happy to, you know, throw our weight and support behind efforts to fix the esplanade further north of where we're located. So it's something certainly we would be willing to discuss with you in partnership to see how we could help in that area.

COUNCIL MEMBER KALLOS: On that note, part of the conditional approval that you

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received from Community Board Eight says, "that you will donate a sum of money to an authorized group for further maintenance." Their note seemed to be no particulars beyond that of which group that is, how much is going to be done there, but I would like and it seems like the Community Board would like and it seems that you've already agreed to making sure that we do have a conservancy for the esplanade. Where are we on that?

MARK TESSIER-LAVIGNE: Well, the-- there are two things. First of all, we have agreed to provide maintenance for the plantings on the esplanade and at the esplanade and at the--as a result of the discussion with the City Planning Commission and others, we've agreed to from initially offering for several years that we've increased that to 12 years right now. In terms of the conservancy for the esplanade, we think that's a good idea, and we've already engaged our neighbors at Hospital for Special Surgery and New York Presbyterian Hospital in discussions to see whether it's



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possible working with you and members of the community to establish such a conservancy.

COUNCIL MEMBER KALLOS: Thank you for that. In terms of the maintenance, I right now it's 12 years. I am assuming that--is it wrong to assume that Rockefeller intends to be here for more than 12 years?

MARK TESSIER-LAVIGNE: No, we intend to be here for we hope many centuries.

COUNCIL MEMBER KALLOS: Would it be possible to make sure that that maintenance for the part of the esplanade that is literally right next to your campus to be in perpetuity?

MARK TESSIER-LAVIGNE: So the--we're certainly willing to consider that. We'd have to understand in detail the mechanics of setting up something essentially an endowment kind of in perpetuity situation and we're definitely happy to work with you to try find common ground on that issue. We certainly understand the reasoning.

COUNCIL MEMBER KALLOS: I want to thank the remaining committee members. I have one last question. You mentioned competition

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from other locations. New York City has a problem where we invest millions and billions into research at institutions like your own. What can we do in terms of knowledge transfer? Can your institution look into creating a biotechnology incubator in order to turn your research into local jobs and tax revenue that can pay for things like the East River esplanade?

MARK TESSIER-LAVIGNE: Well, we certainly, as I mentioned in my remarks, we've been very enthusiastically involved with the city in trying to build the bioscience community and the biotechnology community here, and actually we think that the idea of an incubator is a great one. It's certainly something again we'd be happy to discuss with you. We think that it can have a very positive impact and help, you know, accelerate the translation of our scientific discoveries to therapies and cures and even more importantly and as you say to have that happen locally rather than, you know, in other parts of the

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country. So we'd be happy to work with you on that.

COUNCIL MEMBER KALLOS: Thank you again to the Committee for your indulgence. Thank you to Rockefeller for coming before this body. Again, I reiterate that the primary concern from the community is open space and an open campus, and I'm hoping that as this comes up we can try to get this resolved and my only request is that this be laid over 'til the next zoning committee meeting.

CHAIRPERSON WEPRIN: Right. For the record, we're probably not, only not voting on this today, but we are probably not voting on anything today, but I remind the members who are hearing my voice that 10:30 tomorrow, the Land Use Committee, before the Land Use Committee, the subcommittee will be meeting and voting on a number of items. This will not be one of them, though. We do have some time to discuss this. So these issues that Mr. Kallos, Council Member Kallos has raised, we'll have a chance to discuss with you and try to work out the--get to an agreement on that. Alright.

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One other announcement, if you're here for the Landmarks meeting which is supposed to start at 11:00, it's going to be meeting next door, so you should go next door for the Landmarks meeting. I am now asking--thank you gentleman. Anyone here to testify on this matter on Rockefeller? If not we're going to close this hearing. The Chair of the Land Use Committee, David Greenfield is kind enough he's going to chair the beginning of these next two items. I have to run across the street to a quick meeting and I'll be right back, hopefully before the end. So we're going to move onto the two items in Corey Johnson's district. Council Member Greenfield, whenever you're ready. Thank you very much.

COUNCIL MEMBER GREENFIELD: Thank you very much, Mr. Chairman and we now invite the applicant of 5961 Thompson Street in Council Member Johnson's district. I believe it is George Rycar, Kissling Associates who will be testifying on this project. Is there anybody else here to testify on this project today? George, it's all you.

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[off mic]

COUNCIL MEMBER GREENFIELD: You do need a microphone, yes. So you can just pick up the microphone, make sure it's on. Whenever you're ready. Thank you.

GEORGE RYCAR: I'm ready. Good morning.

COUNCIL MEMBER GREENFIELD: Just please introduce yourself before you begin. Thank you.

GEORGE RYCAR: I'm aware now. Good morning. My name is George Rycar I'm the architect of record [phonetic] for Mr. Kissling who is the owner of this particular property. The subject application to the City Council is to allow a use group six in a portion of the ground floor and cellar of a building on Thompson Street, which is located in M15B zone, the district in Manhattan and requires a special permit from the City Planning Commission. Although use group six is not permitted as of right in a M15B zoning district, the vast majority of buildings within 600 foot radius of the subject who has use

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group six retail stores on the ground floor at street level. The subject building has two use group six stores on the ground floor fronting on Thompson Street. The present proposal is to eliminate the use of ground floor retail stores and install a stair and elevator to the cellar in its place making the cellar accessible for the street to use group six retail use. As per owner's commitment to the Manhattan Community Board Two, Manhattan Borough President, City Planning, no space will be used as an eating or drinking establishment.

COUNCIL MEMBER GREENFIELD: Council Member Johnson?

COUNCIL MEMBER JOHNSON: Thank you, Chair Greenfield. I appreciate you coming here today and presenting on this. The major issue for me and as you just stated and for the Community Board and the Borough President was the agreement stated in the record and in your documents that the ground floor would not be used as an eating and drinking establishment. You've made that commitment and thus I am supportive of the application.

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COUNCIL MEMBER GREENFIELD: Thank you, Council Member. Is anybody else here to testify on this item 5961 Thompson Street? Hearing none, the hearing is now closed. Thank you very much. We're going to move onto Land Use Number 47, Manhattan West Text Amendment, and we're going to start first with the applicants, Ken Lowenstien [phonetic], Keith O'Connor and Sabrina Kanner. Anybody else here to testify on the Manhattan West Text Amendment? Welcome back. Please, have a seat at the witness table. And whenever you're ready, please identify yourselves and start your testimony. Thank you. You can just press the little button.

SABRINA KANNER: Good morning. My name is Sabrina Kanner and I'm Senior Vice President for Design and Construction for Brookfield Properties. Thanks for your time this morning. It's important to note that Brookfield is not seeking additional density or development rights with this text amendment. We are simply looking to expand and improve our public space. Two years ago, we acquired 450

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West 33<sup>rd</sup> Street adjacent to Manhattan West.  
This acquisition provided an opportunity to  
deck over the Dire Avenue entrance at Lincoln  
Tunnel and connect public spaces, allowing  
pedestrian passage through parks from 33<sup>rd</sup>  
Street and 9<sup>th</sup> Avenue to 31<sup>st</sup> Street and 10<sup>th</sup>  
Avenue. This text amendment formalizes that  
design idea. Like to speak briefly about  
Brookfield's development philosophy. We don't  
simply build buildings, we believe in place  
making. That is, whenever a site allows, we are  
committed to creating great public spaces that  
attract people and support a live/work leisure  
community. This is something we have done  
globally, not only in the US and Canada, but in  
Australia and London as well. So how do we do  
this? First, we retain world class design  
consultants, just as James Cornerfield  
Operations, our landscape architect from  
Manhattan West who's demonstrated insight and  
understanding of open spaces and we New Yorkers  
use them. They have a depth of experience in  
designing very successful public spaces, as  
evidence by the much left highline just one



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block south of our Manhattan West site. Place making begins with great design that offers a variety of experiences and moments from sanctuary to excitement to beauty. We believe Field Operations I best in class at creating such moments. Secondly, we have learned that great retail has real power to provide animation and excitement to public spaces. At Brookfield, we create a very considered merchandizing plan and take a curated approach to the selection of our retail tenants. We are responsive to our customer base as it changes as well as the types of retail provided by our neighbors. We understand that successful retail evolves. If you're familiar with Brookfield Place downtown, you can see this in execution. Thirdly, Brookfield invests a great deal of time and focus on our arts and events program. We produce over 300 events per year across the United States. We're well known here in New York for our 25 year old program as we provide over 100 events or performances per year at Brookfield Place World Financial Center ranging from musical and dance performances to art and

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photo installations to film and drama to  
canstruction, a creative collection of  
sculptures engineered and assembled from can  
foods which is then donated to New York's  
hungry, a favorite among school children.  
Brookfield has demonstrated this commitment to  
place making through our development at  
Brookfield Place in Toronto, Perth, our  
upcoming development at Brookfield Place  
Calgary, and our current redevelopment of World  
Financial Center Brookfield Place in Lower  
Manhattan. We take great pride in our place  
making and are excited about this neighborhood  
in particular as we sit as sitting in the nexus  
of theater, visual arts and sports events in  
Manhattan and see great potential in partnering  
with this particular community on a great arts  
and events program. We respectfully request  
your support of this text amendment as we feel  
it allows us to develop our next great place,  
Manhattan West. Thank you.

COUNCIL MEMBER GREENFIELD: Thank  
you, Sabrina. Anymore testimony? Now just  
please--oh, you have a presentation for us?

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Thank you. Sergeant, do you know how to operate this perhaps? Thank you.

KEITH OCONNOR: Good morning. My name is Keith O'Connor. I'm a principal at James Corner Field Operations. We are landscape architects and urban designers located here in New York, hired by Brookfield to develop the public open space and landscape design as part of the Manhattan West project. What I thought I'd do is just walk you through the project, give you a little bit of a sense of the proposed design and also talk a little bit about the provisions that are included in the text amendment for this open space. The site, as Sabrina mentioned, is located between 9<sup>th</sup> Avenue which is here on the right side of the slide and 10<sup>th</sup> Avenue between 31<sup>st</sup> and 33<sup>rd</sup> Street and the 450 project is this piece over here. Brookfield owns and controls the entire site with the exception of this parcel here to the north and again, an important component of this project is understanding that the rail lines going into and out of Penn Station run below grade through the site in the center.

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This is an illustrative plan of the public open space that we have designed. It is essentially a contiguous integrated system that connects from 9<sup>th</sup> Avenue to 10<sup>th</sup> Avenue, connects to 33<sup>rd</sup> and 31<sup>st</sup>. The major plaza in the northeast corner, a major open space called the Central Plaza on the prolongation of 32<sup>nd</sup> Street, a new open space called the Art Plaza at the corner of 9<sup>th</sup> Avenue and 31<sup>st</sup>, and the significant new open space on Dire Avenue which is created by virtue of decking over the existing Dire Avenue tunnel approach. So in summary, the existing zoning today provides for approximately just over an acre of open space made up of an entry plaza in the northeast corner, a covered pedestrian space along 32<sup>nd</sup> Street 60 feet wide, 60 feet high, no amenity requirements, a 20 foot wide easement on the east side of Dire Avenue at grade, so along tunnel approach, and then what's called the Lincoln Tunnel bridge for the provision of crossing over Dire Avenue. In the proposed zoning that required public open space would increase to about two acres. It would be made up of an entry plaza here in

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the northeast corner, minimum of 60 feet wide, and art plaza and the southeast corner minimum of 40 feet wide, a central plaza, minimum of 100 feet wide, open to the sky, and the Dire Avenue platform 53 feet in width, decking over Dire Avenue open to the sky, and then connection along 31<sup>st</sup> Street, public stair and elevator at Dire Avenue, public stair and elevator at 10<sup>th</sup> Avenue, and a passage way through the existing 450 project called the 10<sup>th</sup> Avenue or the West 31<sup>st</sup> Street passage way. What I thought I'd do is just walk you very briefly through each of these main areas, give you a sense of the design vision and talk about what's required. So here is a view from 9<sup>th</sup> Avenue and 33<sup>rd</sup> Street looking at the entry plaza. There's a variety of requirements in the zoning text amendment requiring trees, plantings, public seating clear path circulation to allow people to get to the commercial office building, but also to make sure that it's a very lushly planted animated welcoming public space. Down at the southeast corner 9<sup>th</sup> Avenue and 31<sup>st</sup> Street, this is

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looking northwest at a feature called the art plaza, 40 foot wide open to the sky requirements for tree plantings, for ground level plantings, for seating a provision for significant piece of public art. In the central plaza, this is a view looking the central plaza to the east back toward 9<sup>th</sup> Avenue, hundred feet wide, open to the sky, very significant requirements for trees, plantings, seating and also for clear path circulation to allow people to move through that space. One thing that I did want to call your attention to in the text is there's two different scenarios under which the central plaza can be developed under the text amendment. One has a provision that it's a minimum of 100 feet wide. Under that scenario there's a possibility of having a small retail pavilion on the eastern portion of the site. There's also provisions in the text that allow for an event plaza on the western portion of that central plaza that can be used periodically for events. If there are no events, that has an additional overlay of amenity requirements, food kiosks, moveable

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table and chairs that must be in place if that's not used for an event. The alternative is a scenario where the central plaza could be reduced to a minimum of 80 foot and width. The amenity requirements, trees, plantings, seating, clear path for circulation. All of those remain exactly the same whether it's the 100 foot minimum or the 80 foot minimum. The biggest difference is that in the 80 foot minimum there is not an ability to have this kiosk in the front portion of the plaza, and instead the idea is that there would be retail fronting on that narrowed portion of the plaza. Again, just so you understand, the site, this is a cross-section, 9<sup>th</sup> Avenue on the right side. The train tracks are down below here at track level. Brookfield's currently constructing a platform to span entirely over those train tracks. That forms a deck. All the loading and parking for the project is below grade. The plaza comes down to grade at 9<sup>th</sup> Avenue. It slopes up gently through the center. It gets up to an elevated height that allows it to seamlessly cross over Dire Avenue. So this

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is Dire Avenue traffic below grade plaza in an elevated prospect above grade, seamlessly connecting to the second story of the 450 project. This is another section cut north/south where again you see that. This is 31<sup>st</sup> Street. This is the entrance to Lincoln Avenue Tunnel at Dire Avenue. This is the Dire Avenue overbuild spanning between the 450 site, the Manhattan West site, and then beyond here what you're seeing is the passage way that would be cut through the 450 building that connects over to 10<sup>th</sup> Avenue. A rendering that we've developed of the feature on the southern end of the Dire Avenue overbuild called the Magnolia Court, flowering trees, plantings, seating. One the north end we've got a feature called the Bamboo Court, steps on the eastside that bring you up to the plaza level and a ramp here on the west side. So all of the project is seamlessly integrated and fully accessible. On the south end where we've got that elevated prospect to get over Dire, there's public stair and public elevator that provide access. And then finally, this is the image through what we



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call the breezeway. This is the passage way that's being cut out of the existing 450 building to connect all the way over to 10<sup>th</sup> Avenue and get over the Hudson Yards. In a summary slide this gives a snapshot of the amenities that are currently required under the zoning. So you see here in this left column seating, chairs, tables, trees, planting beds, the proposed zoning and then the percentage of increase. So it's a significant increase across all of the amenities, primarily due to the expansion of required public access area and then also because there is significant amenities that are required in that central plaza as opposed to the current text to the covered pedestrian space which has dimensional requirements but no amenity requirements. A view looking from the west toward the east. So what you're seeing in the foreground here is the 450 building, which will be reclad [sic] and renovated by Brookfield. The two commercial office towers on 9<sup>th</sup> Avenue here, and the residential tower in the southwest portion of the Manhattan west site, and then one more

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image looking to the west toward the Hudson River from above Farley [sp?] post office. Again, you're seeing the two commercial office towers, you're seeing the central open space here, and then the building in the background is the building currently construction, the Eastern Rail Yards by Related Companies. So that's a quick overview of the design and then what I've got up now, and I'm going to ask Ken to talk a little bit about are the actual actions associated with the text amendment.

COUNCIL MEMBER GREENFIELD: Thank you, Keith. Sorry to interrupt you before Ken begins, although I am familiar with the project. Unfortunately we have many concurrent hearings running at the same time so I have to hop over across the street to a Technology hearing. As we've discussed before, we will not be voting on any of these items today. We will be voting on them tomorrow at 10:30 a.m. before the Full Land Use Committee at 11:00 a.m. which we'll vote to confirm the recommendations of the Subcommittee, and I will ask Council Member Johnson to assume chairmanship over this

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Subcommittee in our stead [sic]. Thank you very much.

COUNCIL MEMBER JOHNSON: You may continue if you need to explain more, Ken.

KEN LOWENSTIEN: My name is Ken Lowenstien [sp?] with the law firm of Holland and Knight [sic] and just I'll very quickly just list the actions for the record. We're doing a text amendment with three components. One is to implement the design concepts and principles that Mr. O'Connor just described. Second is to make it clear that because of the construction of the Dire Avenue platform, the Manhattan west site and the 450 West 33<sup>rd</sup> Street site are now in the same block and could theoretically become the same single zoning lot. The text prohibits any transfer of floor area between those two parcels. Third item relates to parking and it provides that instead of the usual two years to complete a building where the City Planning Chair has allowed parking in Hudson Yards, because of the need to build a platform and then the building for the Manhattan West site, the text would allow a six

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year period to complete those buildings. Thank you.

COUNCIL MEMBER JOHNSON: Thank you.

Is there anything else that you would like to say? No. So I have a few questions for you all. If you could please clarify, I know there was some changes this morning with regard to your commitment on using the same fixtures and finishes in all affordable units, making sure that they'll be the same not comparable but the same as the market rate units.

SABRINA KANNER: We propose to be-- to use the same material stainless to stainless wood to wood between affordable and market rate units.

COUNCIL MEMBER JOHNSON: Thank you.

If you could please explain to myself and the committee what has transpired in the last few days with regard to an agreement between Brookfield and the Hotel Trades Council?

SABRINA KANNER: We have agreed to enter into negotiations with HTC upon successful passage of our text amendment

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towards an agreement within 45 days should we end up developing a hotel on the site.

COUNCIL MEMBER JOHNSON: Thank you.

And could you please state what type of union labor is involved in this project, both from the construction of the building as well as the people may be working in the building potentially for 32 BJ?

SABRINA KANNER: We have entered into a PLA with BCTC for construction not only of this project and its entirety but our entire portfolio for the next 20 years. We do currently employ 32 BJ and plan to continue to.

COUNCIL MEMBER JOHNSON: Thank you very much. And I just have a quick, you know, statement for the record. I just want to take a minute to speak about what I believe to the benefits of this project and thank all the participants, the applicant, Manhattan Community Board Four, the folks that work with me, Jeffery Le Francios [sp?] and Lewis Sheldon-Brown [sp?] for shepherding this application to the point where it is today. I support the proposal by West 31<sup>ST</sup> Street LLC

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and Brookfield Properties West 33<sup>rd</sup> Street  
Company LP to amend the special Hudson Yards  
district. This text amendment would allow for a  
creation of a large open space available for  
public use. Let me note, this text amendment  
was not required to implement the applicant's  
proposed development, rather they seek to  
modify the space to include gardens, plazas,  
terraces and pathways along the deck over the  
existing Dire Avenue between 31<sup>st</sup> and 33<sup>rd</sup>  
Streets to create a seamless public open space  
in place of an open cut roadway, which was  
discussed earlier. I wish to thank the  
applicants for creating what will be used  
public open space by residents of Hell's  
Kitchen and the surrounding neighborhoods. This  
amendment would also provide a waiver to the  
applicant to build the residential developments  
before the commercial developments are built.  
As part of this commitment, the applicant has  
voluntarily enrolled in the inclusionary  
housing program which requires that 20 percent  
of the building's residential units be  
permanently affordable and as just was stated,

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committed to ensuring that finishes and fixtures are the same regardless of the unit's designation and the creating of a fee structure that will allow all residents to access the full range of amenities within the residential buildings. The applicant's involvement with Manhattan Community Board Four and my office has been robust and we appreciate the outreach and cooperation. It's not been easy over these past few days. I look forward to this cooperation continuing and including the selection of public art and the development of public and private programs to take place in the plazas at this development. Again, I support this text amendment and I hope to see this project through to successful completion in the end and I thank you for working with myself and the Community Board on trying to make this better. I do want to state for the record that I do support a much larger unit distribution than was agreed to by the applicant, and it is my hope that this project benefits a large number of people through the affordable housing portion of the residential

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buildings, but I know we weren't able to get where the Community Board wanted, where I wanted. I am grateful that we were able to make some headway on both a potential hotel agreement if it happens in the future as well as ensuring that the finishes, fixtures, and the open space is what was in line with the Community Board's recommendation. Thank you. Thank you for testifying. We're going to move onto our first public panel. We're going to call up an opposition panel. The only person that is going to appear in it is Joe Restuccia [sp?]. No? You're okay. So your for and in favor. Okay. So we--should we call Joe up as part of this panel? In favor. So Joe Restuccia, J.D. Noland, and Erica Batista [sp?]. You have two minutes each and you may proceed in the order that you would like, if you could please state your name for the record.

JEAN-DANIEL NOLAND: Thank you.

Thank you, Council Member Johnson. Good morning everybody or good afternoon. My name is Jean-Daniel Noland, and I'm the Chair of the Clinton Hell's Kitchen Land Use and Zoning Committee of



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Manhattan Community Board Four, and I want to thank you for this opportunity; I'll speak briefly. The Board welcomes the increased public space that these proposed text amendments will provide. The Board fears, however, that the applicant stated purpose of "open spaces designed to greatly enhance the pedestrian environment" portends open space characteristic more of a pedestrian environment of upper Sixth Avenue, not of a public space worthy of the applicants and the community's aspirations. Bamboo Court, Magnolia Court, that's not a great garden. We feel that public space should not be expanded solely to provide access corridors to retail venues. The Winter Garden Atrium at Brookfield's World Financial Center is a beautiful and stirring example of what public space, great public space can be, and we urge the applicant to create a similar great public space in our neighborhood. So we recommend approval of these proposed text amendments with these important conditions and they are three, and I'll be very brief. The affordable units, we are pleased and we thank

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the developer for the permanently affordable units, 20 percent, but we strongly insist that the affordable units not be segregated. Segregated, you don't have to segregate them. Distribute them throughout all the floors of the building. For heaven's sakes, this is 2014. Other developers do it. There's no reason Brookfield cannot. We are pleased that the applicant has agreed that the fixtures and finishes will be the same. And lastly, the open city, we understand the necessity of closing the public space. Could I have two seconds?

CHAIRPERSON WEPRIN: Sure. To me, it just started. So it's okay. Just a few more seconds, go ahead.

JEAN-DANIEL NOLAND: We understand why you have to close the public space for maintenance, but that's all it should be closed for. It's a 24 hour city. So we thank the applicant and we thank the committee.

CHAIRPERSON WEPRIN: Alright, thank you. And so you're the first of the three on panel? Okay, great. Thank you. I apologize for everyone who's here. I had to run across to a

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press conference and a quick committee wave and then come back. So I apologize. Thank you.  
Next?

ERICA BAPTISTE: Good morning, Chair Weprin and Council Member Johnson. My name's Erica Babtiste [sp?] and I'm here this morning to testify on behalf of Manhattan Community Board Four and its recommendation on application by BLP West 31<sup>st</sup> Street LLC and Brookfield Properties West 33<sup>rd</sup> Street to amend the special Hudson Yards district of the New York City zoning resolution in order to facilitate development of 450 West 33<sup>rd</sup> Street in sub-area B1 and 9<sup>th</sup> Avenue Rail Yard in sub-area B2. The proposed text amendment would modify the requirements of the public access area and the phase in of 450 West 33<sup>rd</sup> Street and park and certification [sic] of 9<sup>th</sup> Avenue Rail Yard in sub-area B2. In addition to the comments just given by the Clinton-Hell's Kitchen Land Use Committee Chair, I would like to add some further comments. MCB4 applauds the applicant's desire to install works of art and produce performances for the public and

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welcomes the increased public space that the approval of these proposed text amendment would provide. The Board is not unmindful of the many sometimes competing demands public space design has to balance, maintenance and safety considerations, tree and plant requirements, pedestrian circulation etcetera, but public space design should not be driven by commerce. It should be driven by desire to create a respite from commerce and inviting refuge from the hustle and bustle of the city. Thus, the Board urges the applicant to create a great public space in our neighborhood. The applicant contends that Central Park is also closed from 1:00 a.m. until 6:00 a.m. The Board knows that Central Park is over 800 acres in size, contains over 25,000 trees and wooded areas and is visited by 20 million people each year, and people have been known to walk or run in after its closing hours. Despite that, it remains the safest precinct in Manhattan. As far as we know, there are no wooded areas in the applicants proposed 87,000 square foot of public space. The Board strongly believes that

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public access areas should be open at all times. We would like to thank the applicant for the cooperation that has occurred with the CB4 construction task force to deal with the construction effects, to mitigate the impact of construction on the surrounding community, including the Clinton School for Writers and Artists, the Church of Saint Michael, the Webster Apartments, the FIT and nearby residential owners and tenants, and we look forward to working with the applicant and DOT with the land--yes.

CHAIRPERSON WEPRIN: That beep will throw anyone off, I promise. I know that buzzer. I thank you. Sir, whenever you're ready.

JOE RESTUCCIA: Morning. I'm Joe Restuccia, I'm the Co-Chair of the Community Board Four Housing Committee and a member of the Land Use Committee. I want to thank Council Member Johnson for working on the Brookfield proposal with our Community Board because we have been able to achieve a great deal. And one of the most important things that we've been

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able to achieve in this text amendment out of the blue had been some affordable housing. That's specifically because this text amendment includes a provision to do housing, the residential portion first as a waiver. That was not done as part of the 2005 zoning, so this is a big change. That gives the developer a big possibility to move faster on something. Therefore, this developer, given the new Administration's focus on affordable housing and progressive policy has voluntarily agreed to enter into the inclusionary housing program. We thank Brookfield for that. We thank them for working with the Community Board on that matter. However, we cannot thank them for basically seeking to maximize their return on this large project. Of course they should make money. It is a four million square foot project, 800,000 square feet of which is residential. That is the single largest residential development in community district four to date. Twenty percent will be affordable. That will create a great amount of affordable housing. However, by maintaining the

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minimum standards for apartment distribution for the affordable units in the building, putting them on 65 percent of the floors as opposed to 100 or 80 percent of the floors as many of the developers have agreed is simply about maximizing return, not about securing return. So we're very, very disturbed here that there is representation made at our Land Use Committee that the units will be distributed throughout. The Council Member worked to secure that commitment, was unable to. We want to put on the record that its important for this committee as Land Use to realize in this progressive Administration, our goal is integration of all economic groups, not segregation of economic groups. And so we thank the Council Member for his work very much.

COUNCIL MEMBER JOHNSON: I have a question, Chair.

CHAIRPERSON WEPRIN: Yes, Mr.

Johnson?

COUNCIL MEMBER JOHNSON: Thank you, Joe for making your statement and to all of you on the panel. I've worked with you for many

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years and I appreciate you being here this morning. I wanted to ask specifically about what was said at the committee hearings with regard to unit distribution by the applicant and also if you could give some examples in the surrounding community where there has been a higher unit distribution?

JOE RESTUCCIA: Sure. The higher unit distribution, we've achieved that with Lalazari [sp?] a project on 28<sup>th</sup> Street with Related deals on 30<sup>th</sup> Street, with a deal on 44<sup>th</sup> Street and between 10<sup>th</sup> and 11<sup>th</sup> Avenues. I would say the last about 10 deals that have come to us as inclusionary housing, developers have reached 80 percent distribution.

COUNCIL MEMBER JOHNSON: They've reached 80 percent?

JOE RESTUCCIA: Eighty percent, yes.

COUNCIL MEMBER JOHNSON: And we're at 65 percent today?

JOE RESTUCCIA: That's correct. J.D. may be able to speak to the--speak of the Committee.



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CHAIRPERSON WEPRIN: State your name,  
J.D. when you speak.

JEAN-DANIEL NOLAND: Yes, I'm Jean  
Daniel Noland. I'm the Chair of the Land Use  
Committee. When Brookfield came before the  
committee with this project I pointedly asked  
if the distribution of the apartments was going  
to be random throughout 100 percent of the  
building, and the answer was yes, and I know my  
memory is not as terrific as many of you, but I  
can bring you about 30 people who heard the  
same thing that I did.

CHAIRPERSON WEPRIN: Mr. Johnson?

COUNCIL MEMBER JOHNSON: I just want  
to thank you for that, and as much time as you  
all have spent on this development and project.  
We've spent a significant amount of time on it  
as well. As I stated when I spoke to the  
applicant at the previous panel, this is  
disturbing to me, and to be completely honest,  
on the record, I did not understand that that  
commitment was made during the Community Board  
review process for randomized higher unit  
distribution. So this is something I would just

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like to discuss further. I appreciate your testimony and for clarifying that for me.

CHAIRPERSON WEPRIN: Thank you. Thank you very much to this panel. We're going to move onto the next panel. I'd like to call Paul Fernandez, Mike Slattery, Dan Biederman, Aditi Sen, Diti Sen. Hold on, let me see how many we got. Well, I have four. Well, I have one more chair. We'll see how many show. Hold on. Mike is here. Paul is here. Aditi is here. I think we'll do--Dan Biederman is--yeah, you can. Oh, you're here for Dan Biderman. I was wondering, I didn't see him. Okay. What's your name? Alright, if you don't mind, we're just going to wait until--we're going to put you on next, is that alright? Because I realize we're one seat short anyway. Okay, good. And Aditi--Dan is not here anymore either. I saw his--Dan Contreras has put his name down too. He's not here. So you're representing him as well, okay. Okay. So you guys figure out who goes first. Paul, you going first? Okay. You seem ready.

PAUL FERNANDEZ: Good morning Mr. Chairman and Council Member Johnson. My name is

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Paul Fernandez, I'm the Chief of Staff with the Building and Construction Trades Council of Greater New York. We're an organization that consists of local affiliates of 15 national and international unions representing 100,000 members in New York City. We want to thank you for the opportunity to testify in support of the Brookfield text amendment from Manhattan West. We're pleased to support the application by Brookfield to allow a connection between the current Manhattan West site and 450 West 33<sup>rd</sup> Street, which will create greater pedestrian access for 31<sup>st</sup> Street at 9<sup>th</sup> Avenue to 33<sup>rd</sup> Street at 10<sup>th</sup> Avenue. In addition, this text amendment will allow Brookfield to double the publicly accessible open space to slightly over two acres in a community that consistently ranks in the bottom of open space opportunities for its residents. Brookfield's Manhattan West project will serve as a grand entrance to the re-envisioned west side. This project enjoys overall in support from the building and construction industry. This investment will create thousands of human construction jobs.

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Additionally, Brookfield as you have heard in previous testimony from Brookfield itself has entered into a portfolio labor agreement more commonly known as a project labor agreement for its entire portfolio of work for the next two decades, excuse me, ensuring that union labor or the building and construction trades will perform new construction and renovations to properties in Brookfield's entire New York City portfolio. This means that unlike some projects in the city all construction workers on Manhattan West and on the Brookfield projects will be paid good wages with health insurance and retirement security. All workers will also have access to training to work safely and with the level of skill and productivity not only to enhance Brookfield projects but allow these workers to maximize their employment potential on any number of other projects throughout the city and the region. For these reasons, on behalf of our 100,000 members, we're pleased again to support the application and we urge the council to likewise. Thank you.

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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON WEPRIN: Thank you, Mr. Fernandez. Who wants to go second, Ms. Sen?

ADITI SEN: Good morning Chairman, Council Member Johnson. Thank you for the opportunity to speak today. I'm here to testify in support of Brookfield's proposed text amendment. My name is Aditi Sen and I'm here from SEIU Local 32BJ, which represents 70,000 property service workers that live and work in New York City. I'm here to express our support for the text amendment on Brookfield's Manhattan West site. Over 800 SEIU 32BJ members work at Brookfield property sites within our jurisdiction. In addition there are approximately another 800 unit members across Brookfield's portfolio of holdings and other parts of the country. As we all know, not every developer is committed to the creation of high quality jobs that allow workers to care for their families and thrive in our city, but Brookfield is committed to creating quality jobs, both blue collar and white collar and that will have a real economic impact for all New Yorkers. The text amendment will double the

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size of publicly accessible open space in a Community Board that critically needs it. In addition, as is been mentioned and a time when our Mayor has identified affordable housing as a critical need, Brookfield has voluntarily entered the inclusionary housing program, which will produce 160 affordable units. We hope those conversations continue to move forward. Through both employment opportunities and affordable housing, this project will provide a number of New Yorkers with an entry way to the middle class. For these reasons and on behalf of 32BJ, I urge you to support Brookfield's text amendment at Manhattan West. Thank you.

CHAIRPERSON WEPRIN: Thank you, Ms. Sen. It was good to see you again. Mr. Slattery?

MICHAEL SLATTERY: Good afternoon. I'm Michael Slattery, representing the Real Estate Board of New York. We're here today to support the application for rezoning text amendment and the special Hudson Yards District by Brookfield Properties. The proposed text amendment will double the size of Brookfield's

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outdoor plaza to slightly over two acres and will provide significant public space amenities. Additionally, the project will be built over Dire Avenue, removing a longstanding eye sore and improving connectivity to the far west side. As it does at Brookfield place, Brookfield will also program a portion of this area with free public events to enhance the open space experience. Brookfield Properties has a first grade reputation of producing class A office building space as well as public space. The Manhattan West development will be no exception. Consisting of four and a half million square feet of mixed use development, the new site will becoming a gateway to the changing far west side and bring positive improvements to the area adjacent to Penn Station. Brookfield has been working responsibly with the members of the community and the Quality of Life Committee to mitigate the impacts of its construction on the community. The proposed text amendment as well as the larger project will greatly benefit Manhattan's far west side and the city as a

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whole. REVNY is proud to support the vision and commitment that Brookfield has brought to this plan and we commend their sensitivity to the needs of the local community. On behalf of REVNY and its members we strongly urge the Council to support the text amendment before you. Thank you.

CHAIRPERSON WEPRIN: Thank you. Mr. Johnson, you have a question for this panel?

COUNCIL MEMBER JOHNSON: No question. Thank you.

CHAIRPERSON WEPRIN: Thank you, Mr. Johnson. Thank you for your patience. I appreciate you waiting all day like this. I'm sure you love being here. Come on. Smile. Sorry, I know it's been a long day. I'd like to call up Dan Pisark, who I know is here, Andrew Hollweck, I saw in the back, sorry about that Andrew, and Jessica Walker, are you here Jessica? Ah, there's someone behind the pole, I see. Is there anyone else here to testify on this item that hasn't been called? Excellent. Alright, you guys get to close the show. Again I apologize for keeping you waiting this long.



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DAN PISARK: Okay, good morning, Chair Weprin and Council Member Johnson. My name is Dan Pisark. I am the Vice President of Retail Services for the 34<sup>th</sup> Street Partnership, the BID, the block 33<sup>rd</sup> to 31<sup>st</sup>, 9<sup>th</sup> Avenue all the way to 10<sup>th</sup> Avenue is within the BID. We are here in favor of the project. The Manhattan West development project will be a significant addition to the neighborhood and the 34<sup>th</sup> Street Partnership District, where open public space is insufficient. When built, it will significantly enliven 9<sup>th</sup> Avenue, particularly the inactive and unattractive streetscape fronting the Farley Post Office on 9<sup>th</sup> Avenue. The proposed public space in the development features a two acre outdoor area accessible to office workers, community residents and the general public. This accessible open space can be programmed with arts and events and will be enjoyed by not only project tenants, but by the entire community due to its proximity to major subway lines, Penn Station, the Port Authority, bus terminal and Grand Central terminal via the newly

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expanded seven subway line. The corridor from 9<sup>th</sup> Avenue to 10<sup>th</sup> Avenue with access through 450 West 33<sup>rd</sup> will also become an important link for Penn Station commuters going to the far west side to the Hudson Yards. The space has the potential to become a cultural destination. Brookfield, the property's developer, operates the largest privately funded free arts program in North America called Arts Brookfield, and also does programming at Grace Plaza at 6<sup>th</sup> Avenue and West 43<sup>rd</sup> Street. We also are the managers of Bryant Park and we're very familiar with Grace Plaza and the programming. Since Arts Brookfield began more than 20 years ago, it has hosted more than 400 annual events, performances and exhibitions. The plan for horticulture, lush horticulture I may add will benefit the public space. Moveable furniture and umbrellas will allow the space to cater to the user's needs. Retail will activate the public space, and finally, by covering Dire Avenue, an eye sore in the area will be removed, improving open space experience for

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residents and community members. And so on behalf of the 34<sup>th</sup> Street partnership we strongly urge the council to support this text amendment before you today, I know you're voting on it tomorrow morning, to increase the open space including a deck over Dire Avenue. Thank you.

CHAIRPERSON WEPRIN: Thank you.

Please thank Mr. Biederman as well.

DAN PISARK: I will do that.

CHAIRPERSON WEPRIN: Thank you.

Andrew?

ANDREW HOLLWECK: Good afternoon.

I'm Andrew Hollweck representing the New York Building Congress, which is a membership organization of the design construction and real estate industry. We're pleased to support Brookfield's Properties application to modify the zoning at its Manhattan West development to include additional public open space. This project and zoning changes are important for many reasons. I'll focus on them in relationship to a new Building Congress report called Moving Midtown West. In our report, the

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Building Congress highlights the explosive growth of the Hudson Yard's neighborhood which was rezoned in 2005 to allow to up to 26 million square feet of new development. The report points to this growth as a critical reason to make major new investments in the area's transportation infrastructure including completing Moynihan Station directly across the street from Manhattan West. By opening its doors via expansive public spaces and arts focused amenities, Manhattan West can become a gateway to a vast new and vibrant part of the city. These public spaces would dove tail seamlessly with access points that would be built for passengers alighting from Amtrak service next door at a modernized Moynihan Station or, and I hope I'm not dreaming here, across the street at a new southern extension of Penn Station built to accommodate Amtrak's gateway program which not just in this context but in so many contexts. It's such an essential project for this city and this entire region and something I hope I can turn the Council's attention to again in the future. Simply--

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CHAIRPERSON WEPRIN: [interposing]  
Not on Corey Johnson's watch, but maybe on one  
of his children's watch.

ANDREW HOLLWECK: Well, listen it's  
got to get done. We got to start sometime.

COUNCIL MEMBER JOHNSON: Find me a  
husband first, Mark.

ANDREW HOLLWECK: Well, that's  
personal. This is the public. Simply put,  
Brookfield's new design can help solidify the  
link between the midtown of today and the  
expanded center of Manhattan of the future in  
addition to its immediate open space benefits  
to the city. The city's resurgence after the  
economic downturn is remarkable, thanks in part  
to the investments being made at Manhattan West  
and elsewhere in Hudson Yards. The small yet  
important changes being considered today are  
what will continue to draw businesses and  
residents to this new neighborhood. For these  
reasons we urge the council to approve these  
modifications. Thank you.

CHAIRPERSON WEPRIN: Thank you. Ms.  
Walker? When I was young, because I was a W, I

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was always last but not least. I thought that was my first name for a while. But so last but not least. Thank you.

JESSICA WALKER: Thank you so much. I am Jessica Walker, Vice President with The Partnership for New York City, which represents the city's business leadership and its largest private sector employers. Thank you very much for the opportunity to submit testimony in support of this project today. As we've already heard, Brookfield's Manhattan West project appropriately complements all of the major redevelopment that's happening at Hudson Yards right now. It will be providing additional retail, office space and housing including affordable units which will help to create the critical mass needed to establish an important center of economic activity for the city. The proposed amendments to the project will allow Brookfield to create a grand pedestrian gateway that links Hudson Yards to nearby Pennsylvania Station, which is the busiest transit hub in the nation, as well as Madison Square Garden, which attracts four million people to the area

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every year. So this change in plan will further relieve congestion on nearby streets and crosswalks and better accommodate residents, visitors and businesses. As we've heard earlier, the amendments are centered on place making, creating a destination where people want to be. So the open space and amenities are all very important and actually the amendments will provide more public space of a higher quality than the existing plan would have allowed. All of this redevelopment on the far west side promises to be the most important generator of new economic growth in the city over the next 30 years. Indeed many of the changes sought in the amendments will appeal to the fast growing tech and digital media firms we want to attract to New York City because of the good paying jobs that they generate. So as such, the Brookfield project is important not just to the immediate neighborhood, but to the entire city. The proposal deserves your support and we urge its approval. Thank you.

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SUBCOMMITTEE ON ZONING AND FRANCHISES

CHAIRPERSON WEPRIN: Thank you very much, Ms. Walker. Mr. Johnson, you have any comments or questions or closing remarks?

COUNCIL MEMBER JOHNSON: No. Thank you, Chair.

CHAIRPERSON WEPRIN: Okay. Good answer. We thank you all very much. Again, we appreciate your patience. I'm feeling good about this one. We are going to be meeting tomorrow morning at 10:30. Again, anyone who's listening to me, the Zoning and Franchises Committee will be meeting 10:30 tomorrow. We are going to close this hearing on this item. Again, Mr. Levin, we are going to actually be wrapping up. I want to let you know we're going to be voting tomorrow morning. We'll be meeting tomorrow morning at 10:30, Zoning and Franchises before the Land Use meeting. So be on time. And with that in mind--okay. Well, with that in mind, we are done with our business today and it's even before noon, shocking. Thank you very much. We are recessing, right. Right, this meeting is standing in recess until 10:30 tomorrow morning



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in the Committee Room in City Hall, and so with that in mind, we are now recessed. I'll hit the gavel anyway. But yeah, we are recessed 'til tomorrow morning. Thank you.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date 05/06/2014